

SUBCHAPTER b: Program and Technical Support
PROCEDURES 328, Interstate Placement of Children
March 15, 1985

Section		Page
328.1	Purpose	1
328.2	Definitions	1
328.3	Placement of Illinois Children	2
	a) Through the Interstate Compact on the Placement of Children	2
	1) Placement Requests	2
	2) Placement Resources	3
	3) Residential Placement of DCFS Children	3
	4) Placement Approvals/Denials	4
	5) Placement Changes	4
	b) Placement of Handicapped/Medically Involved Children	5
	c) Into Non-Compact States	7
	d) Through the Interstate Compact on Juveniles	7
	e) Through the Interstate Compact on Mental Health	8
	f) Exempt Placements Under the Interstate Compact on the Placement of Children	8
328.4	Placement of Children From Other States	9
	a) From Compact States	9
	1) Placement Requests	9
	2) Response to Placement Requests	9
	3) Placement Approvals/Denials	10
	4) Placement Changes	11
	b) Placement of Handicapped/Medically Involved Children	11
	c) From Non-Compact States	12
	d) Responsibilities for Placed Children	12
328.5	Removal of Placed Children	13
	a) Illinois Children Placed in Other States	13
	b) Out-of-State Children Placed in Illinois	13

== 328.1 Purpose

328.2 Definitions

"Handicapped/medically involved child" as used in these procedures means a child with physical, emotional and/or mental problems which require more than routine medical care and services.

"Home study" as used in these procedures means an assessment of the foster family or adoptive home to determine whether the family/home affords suitable conditions for placement of the child; a home study does not mean a licensing study.

"Receiving party/agency" means the foster parents, adoptive parents, or the child welfare agency in the state where the child is to be placed.

"Sending party/agency" means the person/agency who is legally responsible for a child and is seeking to place the child in another state.

328.3 Placement of Illinois Childrena) Through the Interstate Compact on the Placement of Children

The following procedures apply to the placement of all Illinois children with the exception of those placed in accordance with rules and procedures 89 Ill. Adm. Code 307, Indian Child Welfare Services.

1) Placement Requests

Any party who has legal responsibility for an Illinois child and wishes to place the child in another Compact state shall submit a written request regarding the proposed placement to the Department's Interstate Compact Office, Station 425, One North Old State Capitol Plaza, Springfield, Illinois 62706.

Whenever Department staff wish to request a study of a proposed placement for a child for whom DCFS is legally responsible, the request materials shall have been reviewed by the worker's supervisor prior to submitting them to the Interstate Compact Office. The supervisory review ensures the accuracy, completeness and appropriateness of the request, and supervisory approval is indicated by signing the cover memorandum.

All requests shall include the following items:

- o Three (3) copies of a summary regarding the child and the permanency goal for the child.
- o Five (5) copies of a completed CFS 490, Interstate Compact Application Request to Place Child.
- o Three (3) copies of summary information related to the child's and the family's history, the child's most recent medical reports, school reports (including any special educational need), any available psychological and/or psychiatric reports, any recent progress reports if the child was recently in residential care or is currently in a residential care facility and the child's service plan, CFS 497. (Refer to Administrative Procedure #5, Child Welfare Case Record Organization and Uniform Recording Requirements, Appendix A, for the assessment recording format.)
- o Three (3) copies of any court order/legal document; the most recent court order indicating the child's adjudicatory status and disposition, copy of adoptive surrender, or a copy of the court order which terminated parental rights.
- o Three (3) copies of the foster family home study or adoptive home study when the child will be moving with the foster or adoptive family to another state. (When an adoptive home study from the receiving state is available, it shall be forwarded with the other referral materials.)

- o Three (3) copies of any correspondence with the Division of Services for Crippled Children (DSCC) when the child is or has received DSCC services.
- o Three (3) copies of the signed adoption assistance agreement when the placement will involve a child determined eligible for adoption assistance and the agreement is available, or a statement specifying the child's eligibility for adoption assistance payments.

The Interstate Compact staff shall forward the materials to the receiving state within ten (10) working days of receipt.

2) Placement Resources

Placements which may be utilized under the Compact on the Placement of Children include:

- o home of parents,
- o home of relatives,
- o foster family homes,
- o adoptive homes,
- o group homes (as determined by the receiving state), and
- o child care institutions (as determined by the receiving state).

3) Residential Placement of DCFS Children

The Institutional Placement Review System, which is established in all Regions, shall be used to make placement recommendations regarding residential (institution/group home) care for children for whom the Department is legally responsible. The Placement Review Team's recommendations for out-of-state residential placement shall be forwarded to the Regional Administrator for concurrence or nonconcurrence. When the Regional Administrator concurs with the out-of-state placement, he/she shall forward the recommendation and related documents to the Associate Deputy Director of Program Operations, One North Old State Capitol Plaza, Station 408, Springfield, Illinois 62706. The Associate Deputy Director shall make the final decision and advise the Regional Administrator regarding approval or denial of the out-of-state placement. When the proposed placement has been approved and is in a Compact state, materials cited in 328.3a)1) above must be submitted to the Department's Compact Office. The Interstate Compact staff shall forward the materials to the receiving state within ten (10) working days. Approval must be secured from the receiving state prior to making the placement and DCFS Regional Contract staff, in conjunction with

Central Office Contract staff, shall have negotiated a contract with the facility prior to placement.

4) Placement Approvals/Denials

When the Department's Compact Office receives a response to a placement request from the receiving state, the Compact Office shall notify the placing party of the approval or denial by forwarding one (1) copy of the CFS 490 and one (1) copy of the assessment and recommendation from that state within ten (10) working days of receipt. If the placement is approved by the receiving state, arrangements for the child's actual placement shall be made directly between the sending and receiving parties/agencies.

Following the placement of a child in another state, the sending and receiving parties/agencies may correspond directly with each other regarding any placement-related issues (progress reports, case planning, etc.) but shall ensure that the Compact Offices in both states are provided copies of all correspondence.

Immediately following the placement of a child in another state, the placing party/agency shall confirm the placement and the date of placement by submitting three (3) completed copies of the CFS 490-1 (Interstate Compact Report on Placement Status of Child) to the Department's Compact Office. The Compact Office shall forward two (2) copies of the CFS 490-1 to the receiving state to confirm the child's placement and to initiate supervision and monitoring of the placement. The placing party/agency shall retain full responsibility (including financial) for the child until the placement is terminated.

No Illinois child shall be placed in another state prior to receipt of approval from the Interstate Compact Office of that state nor shall the child be placed when the Interstate Compact Office of that state disapproves the placement request. When a placement request has been approved, the placement of the child must occur within ninety (90) days of the approval. If the placement is not made within ninety (90) days, the approved placement request becomes invalid and another approval is required before the child can be placed.

5) Placement Changes

When the sending party/agency decides not to proceed with placement, that party shall immediately submit three (3) copies of the CFS 490-1 to the Department's Compact Office to cancel the placement request.

Any placement related changes which occur while the child is in the receiving state shall be reported by the placing party to the Department's Compact Office by submitting three (3) copies of the CFS 490-1 to fully explain the reason/nature and the date of the change. This includes, but is not limited to, change in placement

status (i.e., from foster care to adoptive), change in the placement resource (i.e., from foster care to home of parent/relative), change in caretaker's address, or change in the child's legal status.

If the Illinois child and/or the child's caretaker plan to move to yet another state, it is necessary to obtain prior approval for the child's continued placement in the new state. The original Illinois placing party or agency shall submit a new placement request to the Department's Compact Office as noted in Section 328.3a)1. When the Illinois placing party was unaware of or not notified of a change in residence prior to the move, a new placement request shall be submitted immediately upon learning of the move.

When any of the following changes occur during placement, the placing party/agency shall submit three (3) copies of the CFS 490-1 to the Department's Compact Office to request termination of the placement:

- o confirmation of the child's legal adoption (submit three (3) copies of the decree);
- o verification that the child is self-supporting;
- o verification that the child has reached the age of legal majority or has been legally emancipated;
- o confirmation that the Compact Administrator in the receiving State has agreed, in writing, that a discharge of jurisdiction of the placing party is appropriate (submit three (3) copies of the discharge/termination order);
- o confirmation that the child has left the placement and returned to Illinois; or
- o confirmation that the child has run away and appropriate action (reports) has been implemented in accordance with procedures 329 (Runaway Children), but the child is still absent after two (2) weeks; or the child cannot be located or returned to the placement.

After receipt of the CFS 490-1's (and supporting documents) the Department's Compact Office shall forward two (2) copies of the form to the receiving state to notify that state of the placement termination.

b) Placement of Handicapped/Medically Involved Children

Whenever the Department contemplates the out-of-state placement of a handicapped/medically involved child for whom the Department is legally responsible (initial placement or a move with the current caretaker), the caseworker shall immediately contact the Medical/Social Consultant in the appropriate regional office of the Division of Services for Crippled Children (DSCC). When the child is currently being served

or has been served in the past by DSCC, the worker shall contact the Medical/Social Consultant in the regional office that is currently serving or previously served the child. When the child has not previously been served through DSCC, the worker shall contact the DSCC regional office which serves the geographical area where the child is currently placed.

The caseworker shall provide the DSCC Medical/Social Consultant with the following information:

- o identifying information for the child (full name, date of birth, current address, current caretaker and the legal status);
- o type of proposed placement (adoptive, foster care, home of parent or relative, residential care, etc.);
- o name and address of proposed out-of-state caretaker;
- o current medical diagnosis (when child was not previously known to DSCC) as contained in medical records;
- o identification of known funding sources (Medicaid, SSI, Social Security, DCFS, proposed caretaker's medical insurance coverage, etc.); and
- o two (2) copies of Form CFS 600-3, Release of Information, signed by the child's legal guardian or the authorized representative to permit the release of DSCC medical records to the medical programming agency in the other state.

When the child has not been previously served by DSCC, staff shall forward copies of all medical records available and a list of all physicians, specialists, clinics, etc. who have provided medical care and/or treatment to the child along with a separate CFS 600-3, Release of Information, for each medical provider which will enable DSCC to obtain complete medical records for the child.

Upon receipt of the above information from the Department, the DSCC Medical/Social Consultant will contact the appropriate person in the state of the proposed placement to secure information regarding:

- o the child's medical eligibility for crippled children's services in the receiving state (if ineligible, identification of alternative resources for medical programming for the child's specific condition);
- o the possibility of medical programming effective from the date of placement;
- o availability/accessibility of medical care, treatment and related services to meet the specialized needs of the child within the area in which the proposed caretaker resides; and

- o financial eligibility for the child and/or the proposed caretaker for crippled children's services in the state of the proposed placement.

The DSCC Medical/Social Consultant will send a letter to the DCFS worker specifying the arrangements which can be made in the other state to meet the child's continuing medical needs. Additionally, a copy of the child's medical records will be forwarded to the Department or to the office which provides crippled children's services in the state of the proposed placement. If the proposed placement is approved and the child is placed, the caseworker shall notify DSCC of the placement and the date.

c) Into Non-Compact States

When Department staff or a legally responsible party wishes to place an Illinois child in a state (Hawaii, Nevada, New Jersey) or U.S. territory which is not a member of the Interstate Compact on the Placement of Children, the placement request shall be processed in accordance with procedures 328.3 a).

Additionally, the following conditions are applicable to Illinois placements into non-compact states:

- 1) the Illinois court's ability to directly enforce its orders as applicable to the child is impaired upon placement;
- 2) the placement of a child into a non-compact state shall be through the legal authorization/approval from the Interstate Office in the receiving state, as verified by the Illinois Interstate Compact Office;
- 3) the placing party shall retain full responsibility (including financial) for a child placed in a non-compact state until the child:
 - o is legally adopted; or
 - o reaches the age of majority; or
 - o becomes self-supporting; or
 - o receives discharge of legal jurisdiction from the Illinois party with prior written concurrence from the Interstate Office in the state of placement.

d) Through the Interstate Compact on Juveniles

When a child for whom the Department is legally responsible has been adjudicated "delinquent" and placed on probation or parole, the child's out-of-state placement shall be made in accordance with the provisions of the Interstate Compact on Juveniles. Minors who are under the direct jurisdiction of an Illinois court or probation office must also be placed in accordance with the Juvenile Compact.

Whenever the Department contemplates placement of an adjudicated delinquent (who is on probation/parole) with a party in another state, a referral shall be made through the Interstate Compact on Juveniles, Department of Corrections, 1101 Concordia Court, Springfield, Illinois 62702 (217 522-2666). The worker shall request the participation of the minor's probation/parole officer when planning the placement. Any additional information regarding a referral through the Juvenile Compact may be requested from the Department of Correction's Juvenile Compact office.

The placement of a child for whom the Department is legally responsible which was made in accordance with the Interstate Compact on Juveniles terminates when the minor's specific term of probation/parole expires. When the Department plans to allow the youth to remain in the out-of-state placement after the probation/parole terminates, staff shall forward a referral through the DCFS Compact Office prior to the expiration date of the probation/parole to request approval from the receiving state for the child's continued placement in that state.

e) Through the Interstate Compact on Mental Health

Whenever a child for whom the Department of Children and Family Services is legally responsible is placed in a state-operated mental health facility in Illinois and Department staff wish to move the child to a similar, state-operated mental health facility in another state in order that the child can retain ties with the family residing in that state, the move shall be made in accordance with the Interstate Compact on Mental Health.

Any information regarding the transfer of such children to state-operated mental health facilities in other states shall be requested from the Office of the Interstate Compact on Mental Health and Development Disabilities, 160 North LaSalle Street, Room 1500, Chicago, Illinois 60601 (312 793-5833).

f) Exempt Placements Under the Interstate Compact on the Placement of Children

The following kinds of placements/facilities are exempt from coverage under the Interstate Compact on the Placement of Children:

- 1) children placed in accordance with rules and procedures 307, Indian Child Welfare Services;
- 2) visits of thirty (30) days or less when the purpose is to provide the child with a social or cultural experience such as a stay in a camp or with friends or relatives with no intent of placement in the immediate future;
- 3) primarily educational institutions for the purpose of meeting the child's educational needs but which do not provide other services except those of an extracurricular or co-curricular nature or student support services and accepts children for the usual and customary school year only (exempt status shall be determined by the state in which the facility is located);

- 4) hospitals or other medical facilities primarily for the care and treatment of an acute illness or medical problem and the child is discharged following the completion of such treatment;
- 5) institutions or other facilities which provide medical care and treatment, psychiatric care and treatment, or rehabilitative treatment for mentally ill or developmentally disabled persons;
- 6) a placement made by a parent or relative (as defined in Rules 328) with a parent or other relative in another state and no juvenile court has current jurisdiction over the minor child; and
- 7) a placement covered by another Interstate Compact, i.e. Compact on Juveniles, Compact on Mental Health.

328.4 Placement of Children From Other States

a) From Compact States

1) Placement Requests

All requests for placement into Illinois must be sent to the Department's Compact Office. Requests which are received by Department staff directly from other states shall be returned to the sender with instructions to resubmit the request through their Interstate Compact Office.

Following the receipt of a request from another state's Compact Office for a placement, the Department's Compact Office shall forward one (1) copy of the request and all other materials pertaining to the proposed placement to the appropriate DCFS regional/ field office or to a licensed child welfare agency, whichever is appropriate.

2) Response to Placement Requests

Department staff shall conduct a thorough assessment of the proposed placement resource following receipt of the request and referral materials from the Compact staff. When the study/assessment has been completed, supervisory staff shall review the materials for accuracy and completeness and provide supervisory approval via signature on the cover transmittal. Three (3) copies of a written report of the assessment and recommendation concerning the placement shall be provided to the Department's Compact Office within thirty (30) calendar days of the receipt date. The written report shall:

- o address all issues identified in the referral material;
- o include a statement regarding the positive aspects of the proposed placement as well as any areas of concern which must be taken into account;

- o include specific information concerning whether or not special medical/educational needs (or other specialized needs) of the child can be adequately and appropriately provided by the proposed caretaker and/or the community;
Note: for handicapped/medically involved children, the report shall include a letter from DSCC regarding the child's medical eligibility, programming needs, available medical records or any other related information.
- o include verification of the licensure of the proposed caretaker--license number and effective dates when the caretaker is a non-relative foster family home; an adoptive family; a parent or relative whose parental rights have been terminated; a putative father or relatives of the putative father whose paternity has not been established; or an Illinois child care license, if required, for a group home or child care institution;
- o include a statement regarding the financial arrangements for the care of the child with the proposed caretaker and an assessment of whether these arrangements are sufficient to ensure an adequate level of care and protection for the child;
- o include a statement regarding the proposed arrangements for the provision and payment of medical care and treatment of the child and an assessment concerning whether or not such arrangements will ensure adequate medical care for both ongoing and any serious illness or catastrophic occurrence;
- o indicate whether or not adoption assistance from the other state will be required when the placement is for the purpose of adoption and, if so, whether a monthly assistance payment will be necessary, or if any other assistance will be required to effect the placement of the child;
- o include an overall assessment of the proposed plan and a specific recommendation as to whether or not the Department's Compact Office should approve the placement. (Recommended approval is based on evidence that the proposed placement does not appear to be contrary to the interests of the child and recommended denial is based on evidence that the placement would be contrary to the interests of the child.)

3) Placement Approvals/Denials

Within ten (10) working days of receipt, staff of the Compact Office shall review the assessment and recommendation materials for completeness and either approve or deny the request for placement of the child in Illinois. Following the disposition, Compact staff shall simultaneously send two (2) copies of the assessment and recommendation and the signed CFS 490 to the Interstate Compact Office in the sending state and one (1) copy of the signed CFS 490 indicating approval or denial to the Illinois agency or DCFS office.

If the proposed placement is approved, actual placement arrangements shall be made between the sending and receiving agencies/ parties. After approval of the placement, the worker should periodically check with the proposed caretaker to confirm the actual placement. When the child has been placed, the Illinois Compact Office shall be notified of the date of placement by the sending party/agency and when the placement involves a handicapped/ medically involved child, DSCC shall be notified of the placement and the date. The Compact Office shall notify the Illinois agency or DCFS office of the placement, at which time supervision and monitoring must be arranged for and provided. Following the placement of the child, the sending and receiving parties/agencies may correspond directly with each other regarding any placement-related issues (progress reports, case planning, etc.) but shall ensure that the Interstate Compact Offices in both states are provided copies of such correspondence. (Minimally, reports required in accordance with the CFS 490.)

4) Placement Changes

The Illinois supervising agency shall notify the DCFS Compact Office when any planned change in the placement status of a child occurs while in Illinois. Such changes include but are not limited to:

- o a change in placement status (e.g., from foster care to adoptive);
- o a change in residence of the child (e.g., from foster care to the child's parent);
- o a change in address of child and caretaker; or
- o a change in legal status.

When any unplanned placement changes or a placement disruption occurs, the caseworker shall immediately contact the DCFS Compact Office.

b) Placement of Handicapped/Medically Involved Children

A request for placement of a handicapped/medically involved child into Illinois shall be sent to the Department's Interstate Compact Office and must include information pertaining to the child as specified in Section 328.3 b) of these procedures, including a signed consent for release of medical information.

Upon receipt of the required information, the Compact Office shall contact the appropriate Regional DSCC office to determine:

- o the child's medical eligibility through DSCC in Illinois or, if ineligible, alternative resources for medical services to meet the child's needs;

- o whether medical programming can become effective from the date of placement;
- o the availability/accessibility of medical care, treatment and related services to meet the specialized needs of the child, within the area where the child will reside; and
- o possible financial eligibility for the child and/or the proposed caretaker through DSCC.

c) From Non-Compact States

When a party or agency in a non-compact state (Hawaii, Nevada, New Jersey) wishes to place a child in Illinois, the placement request shall be in accordance with Section 328.4a) with the following exceptions:

- 1) The public child welfare agency in the non-compact state is required to submit four (4) copies of the CFS 490-6 (Guaranty Concerning Placement of a Non-Resident Child Into the State of Illinois) to the Department's Compact Office.
- 2) The Compact Office staff shall authorize or deny the placement by signing all four (4) copies of the CFS 490-6 and distributing one (1) copy to the local Illinois child welfare agency, two (2) copies to the requesting/sending state and one (1) copy for Compact files.

d) Responsibilities for Placed Children

The sending party/agency shall continue to have full planning responsibility for the child as if the child had remained in the sending state. Illinois shall recognize the sending state's jurisdiction and enforce orders of the sending state's court, as its agent, when such orders are in compliance with the Interstate Compact on the Placement of Children. The sending party/agency in the other state retains financial responsibility for the child for the entire duration of the placement in Illinois.

The Interstate placement agreement between the State of Illinois and the placing agency/party shall terminate when:

- o the child has been adopted;
- o the child becomes self-supporting;
- o the child has reached the age of legal majority;
- o the DCFS Compact Office has recommended or concurred with a discharge of the placing agency's/state's legal responsibility;
- o the child has left the Illinois placement and returned to the other state; or

- o the child has run away (refer to procedures 329, Return of Runaway Children) from the Illinois placement and cannot be returned to that placement.

328.5 Removal of Placed Children

a) Illinois Children Placed in Other States

An Illinois placing party shall make immediate arrangements for the removal and transportation back to Illinois of a child when requested by the other state's Interstate Office. The placing party shall work with the supervising agency in the other state when advised by the Department's Compact Office of a request to remove an Illinois child from an out-of-state placement. All incurred costs shall be the responsibility of the placing party in Illinois unless other arrangements are mutually agreed upon by the parties involved.

Additionally, Department staff shall take action to remove a child for whom DCFS is legally responsible from an out-of-state placement when any of the following conditions exist:

- o the facility is not licensed or approved for licensure in accordance with applicable laws of that state;
- o the facility loses its license; or
- o the facility commits or omits any action which would be grounds for license revocation in Illinois.

The placing party shall immediately notify the Department's Compact Office via the CFS 490-1 (in triplicate) when the child has been returned to Illinois. The child's return to Illinois shall be reason to terminate the Compact agreement or Guaranty between the two (2) states.

b) Out-of-State Children Placed in Illinois

The placing party shall make immediate arrangements for removing a child from Illinois when the Illinois supervising agency through the Department's Compact Office has requested removal because the Illinois placement is believed to be contrary to the interest of the child. All incurred costs related to the interim, temporary placement of the child in Illinois and/or the child's return shall be the responsibility of the placing party in the sending state provided the placing party had prior knowledge of such and gave prior approval.

The Illinois supervising agency shall provide the Department's Compact Office with three (3) copies of a request documenting the need for the child's removal and verification of the removal via three (3) copies of the CFS 490-1. Following the removal of the child from Illinois, the Compact agreement or Guaranty shall be terminated between the two (2) states.